KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Review Item:

Achievement gap for students with disabilities

Applicable Statute or Regulation:

KRS 158.649 Achievement Gaps; KRS 157.230 Special Educational Programs of School Districts; KRS 157.195 Legislative Findings on Students' Right to Quality Education; PL 107-110 No Child Left Behind Act of 2001; and IDEA reauthorization 2004

History/Background:

Existing Policy. Prior to implementation of the *No Child Left Behind Act*, through disaggregating of assessment data, the Kentucky Department of Education (KDE) had begun identifying subpopulations of students who were at risk of having an unsuccessful educational experience. Students with disabilities, males and particularly minority males, and students living in poverty were found to be the most at risk. As a result of this and other information, Kentucky passed KRS 158.649 (also known as Senate Bill 168). This legislation requires school councils to set targets for reducing gaps in achievement in the specific subpopulations. The passage of *No Child Left Behind* and the recent passage of the IDEA reauthorization enhance Kentucky's emphasis and present the challenge that all students have a successful school experience, with the goal of all reaching proficiency by 2014.

The focus of this discussion at the January 5, 2005 meeting is the tremendous achievement gap between the performance of students with disabilities and their non-disabled peers. First, there are not discernable reasons for such a gap. Although some may believe that such a gap is inherent in the term "disability", that is not the case. Attachment A shows the fourteen categories of students with special needs in Kentucky. Attachment B provides definitions for these categories. As was discussed at the December Kentucky Board of Education (KBE) meeting, many students with disabilities have at least average intelligence and are not disabled in every content area, and most do not have disabilities that present severity in cognition. Of the 83,564 special education students identified last year, only a little over ten percent could have presented severity in acquiring knowledge. This is in no way to suggest that the other over 70,000 students are not in need of special education and related services. Quite to the contrary, the use of strong research-based strategies, strategic and thorough planning, implementation and services are required for special education students to be successful. However, their disabilities *do not* prevent them from thinking, problem solving, reasoning, making comparisons, analyzing, contrasting and synthesizing information. They are able to think and perform on a range of levels, including the abstract.

Yet, in reviewing CATS data, students with disabilities across the state, with only a few exceptions, consistently score significantly lower than students without disabilities. (Reading and math are illustrated in Attachment C comparing the performance of all students with disabilities to nondisabled students. Attachment D depicts, for both reading and math, the total <u>number</u> of students tested by disability category and the <u>percent</u> scoring novice, apprentice, proficient and distinguished by category). This gap is present in all content areas. Considering the previous facts about the students' ability to learn, questions loom as to the possible reasons and causes, as well as what the effective solutions and strategies are to address the problem of their underachievement.

Another factor that is apparent in reviewing special education data is the overrepresentation of African American students. This is important because the overlap of disability and race holds implications for how we address the special education achievement gap. Also, some of the same beliefs about ability and low expectations are attributed to African American students. Attachment E shows the disproportionality statewide. Note in the first chart that the 65,890 African American students in the state represent 10.43%; yet, that 65,890 comprise 16.5% of special education students. Even greater overrepresentation is evident, as one looks at the percentage of students in the high incidence categories of mild mental disability and emotional behavioral disability. Charts are also attached for the seven school districts that are our Minority School Achievement sites. Most of the African American students in the state attend these districts. The data pose pertinent questions for future discussion. For example,:

- Note the percentages of African American students in Hardin County, as contrasted with Christian, Fayette and Jefferson Counties, who are identified as special education students, and more specifically as having "mild mental disability" or "emotional behavioral disability".
  - In Hardin County, African American students comprise 14.95% of all students, ages 6-21. Of these 14.25% are identified as special education students, compared to 13.00% of white students, so that African Americans represent 16.48% of special education students overall, 19.41% of students with "mild mental disability" and 25.33% of students with "emotional behavioral disability".
  - In Christian County, African American students comprise 35.25% of all students. Of these, 17.23% are identified as special education students, compared to 12.59% of white students, so that African Americans represent 43.47% of the special education students overall, 59.83% of students with "mild mental disability" and 44.93% of students with "emotional behavioral disability".
  - In Fayette County, African American students comprise 23.25% of all students. Of these, 13.57% are identified as special education students, compared to 8.75% of white students, so that African Americans represent 33.37% of the special education students overall, 53.78% of students with "mild mental disability" and 47.40% of students with "emotional behavioral disability".
  - In Jefferson County, African American students comprise 35.05% of all students. Of these, 15.76% are identified as special education students, compared to 11.01% of whit students, so that African Americans represent 44.39% of the special education students overall, 62.31% of students with "mild mental disability" and 59.63% of students with "emotional behavioral disability".

Data is also available showing that situations exist in which the achievement gap of students with disabilities has and can be narrowed or virtually eliminated. Kentucky has schools and districts that

serve as shining examples and dispel the myth that there should be an achievement gap between students with disabilities and their non-disabled peers. This data will be discussed at a future meeting.

A closer investigation into these and other issues, concerns and questions will be necessary if we are to provide direction to districts and schools on how to narrow and close the gaps.

Policy Issue(s):

At the January meeting, KDE will present data as *preliminary* for the basis of future discussions of the KBE, specifically addressing the policy questions and issues below. As the data on the performance of students with disabilities is reviewed, these comments and questions must be considered in light of the possibility of needed guidelines, direction and/or policies. They are presented for reference only and may be discussed in detail at future meetings:

1. **High expectations**- Expectations for the performance of students with disabilities is low in too many regular and special education classes. How and what can the Kentucky Department of Education and Kentucky Board of Education do to foster an environment in schools and districts that provides incentives and promotes high expectations for the performance of students with disabilities? What statewide strategies can be employed?

2. **Culture differences and referral**- Apparent differences exist in the backgrounds (set of beliefs) of many students in schools and their teachers. This is particularly evident in the cultural differences between middle class teachers and the students of poverty and color they teach. How do we prevent these different expectations and perceptions from determining special education referrals, identification and classification, since it is teachers who refer the majority of students in special education? Do we need to put criteria or guidelines in place that provide a better understanding of removing subjectivity from the referral process? Do we need to redefine and expand the special education referral and assignment process? Does Kentucky need a standardized referral system? Currently, each district designs and defines its own referral process.

3. **Beliefs and myths-** Is there a need to address and dispel negative and erroneous stereotypes about the ability of students with special needs if the achievement gap is to be closed? Does this necessitate professional development for regular teachers and others in schools?

4. **Diagnosis and placement-** What diagnostic tools are being used to identify students for special education? Do we need more and better ones? We know that federal law and state regulations require multi-dimensional assessment, but do we need to provide more specificity? Is there consistency across the state or is there a need for standardization? Do we need a greater variety and/or ones that more closely address cultural diversity? Do the tools we currently use need to be enriched? Regarding placement, can we continue the notion of two separate systems for educating special and regular education students?

5. **Instructional methodologies-**What are the most powerful research-based instructional methodologies that assist in closing the gap, provide appropriate learning opportunities and classroom strategies and meet the needs of special education students (collaboration, etc.)? What do we know about these strategies? Does research provide us any guidance? What districts/schools are getting results in Kentucky? Where can we get guidance? What do we know about collaboration? What are our plans for providing professional development in this area?

6. **Teacher quality-** Special education has the most severe teacher shortage, which adds to the dilemma of having a qualified professional in the classroom for special education students. What teacher education programs are most effective and how do we address the shortage? How do we meet the teacher qualifications under *No Child Left Behind*? What do we do to address the lack of core content knowledge of special education teachers? How do we engage higher education in this issue? What are the implications regarding access to the curriculum for students with special needs if their teachers do not have content knowledge? What is the level of rigor of the special education curriculum in resource and self-contained classes? What are the implications for collaboration?

7. **Paraprofessionals-** When and how should teacher assistants be used? What are effective models for their use? Do we want to do more in terms of increasing the qualifications for serving as a paraprofessional in a special education class?

8. **Parents-** Parental involvement in special education is an area of great concern that needs major enhancement. What are some practices we can implement that produce positive relationships, have greater results for students and do not focus on litigation or adversarial relationships?

9. **Individual education plans-** How do we make IEPs more effective tools for impacting classroom instruction? How do we instill the use of data as the basis for IEP development?

10. **Funding-** Are we spending a sufficient amount on special education as a state? Does our current formula meet the needs of students? Is it adequate and is it appropriate? Are there more effective ways to fund special education in the state? Are the weights in the formula appropriate? Are weights appropriate?

11. **Communication-** How do we provide a greater awareness statewide about what we are trying to do to address the special education achievement gap?

12. **Professional development-** As recommendations are rolled out from this review, what additional professional development will be needed for regular and special education personnel? When, by whom, with what funds, and how will it be provided?

13. **State regulations-** Does any of the data/information we study impact or require us to revise Kentucky Administrative Regulations? Since IDEA has been reauthorized and revision is likely necessary, the timing for revision is on target.

Impact on Getting to Proficiency:

The achievement gap between students with disabilities and non-disabled students is unacceptable. In order for the students with disabilities to have a successful school experience, be prepared for postsecondary education or employment, and reach proficiency, the concerns raised must be addressed.

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<u>Date:</u>

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